

CALIFORNIA STATE PERSONNEL BOARD MEETING
Los Angeles Airport Hilton and Towers
5711 West Century Blvd.
Los Angeles, California 90045-5631

Public Session Location - Century CD
Closed Session Location - Century CD

FULL BOARD MEETING MINUTES

JUNE 8, 1999

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

BOARD MEMBERS PRESENT:

Florence Bos, President
Ron Alvarado, Vice President
Richard Carpenter, Member
William Elkins, Member
Lorrie I. Ward, Member

2. REPORT OF THE EXECUTIVE OFFICER - Walter Vaughn

The Board was advised of the following:

- A. State Personnel Board staff participated in a Job Fair for veterans arranged by Senator Baca in the San Bernardino area. We also provided employment information on a local television program hosted by Senator Baca.
- B. The Auditor General has initiated a study of implementation and enforcement of the bilingual services program at the state and local levels.
- C. The State Personnel Board's Executive Officer provided participants at the California Association of Managers and Supervisors an overview of the Board and the status of various programs.

3. REPORT OF THE CHIEF COUNSEL - Elise Rose

The Chief Counsel reported on:

Litigation

- A. Association of California State Attorneys and Administrative Law Judges (ACSA) v. Department of Personnel Administration (DPA) - The hearing on ACSA's petition and complaint challenging the validity of the discipline provisions of the Unit 8 Memorandum of Understanding was heard by Judge Connelly on May 28, 1999. After oral argument, the judge took the matter under submission.
- B. Connerly v. State Personnel Board - On June 4, 1999, the State Personnel Board filed its brief with the Third District Court of Appeal in this matter.

Other

- A. International Union of Operating Engineers' challenge to certain contracts executed by the California Department of Transportation, which was referred to a Board Administrative Law Judge for an evidentiary hearing, has been settled and concluded.
- B. The Chief Counsel and Staff Counsel Karen Brandt attended a seminar entitled "Special Training for State Attorneys Who Provide Ethics Counsel to Agency Officials" presented by the Attorney General's Office and the Fair Political Practices Commission.
- C. The State Personnel Board had booths at the California Gold Celebration that showcased both the LEAP program and the State Employees Mediation Program. To date, the Board's mediation program has mediated over 100 cases and has had a 97% success rate.

4. REPORT ON LEGISLATION - Judy Balmain
(Presented by Walter Vaughn)

The Board was advised of the following:

- A. SB 1073 (Ortiz) - State Personnel Board omnibus bill is set for hearing June 30, 1999, in the Assembly Public Employment and Retirement Committee.

- B. AB 688 (Steinberg) - Contract review bill, has been amended to require a budget appropriation before it can be enacted.

The State Personnel Board voted on the following Legislative bills:

- A. AB 1234 (Shelley) - Requires public notice on the Internet of Board meetings. Neutral.
VOTE: Bos, Alvarado, Carpenter, Elkins, Ward - Aye.
- B. SB 951 (Hayden) - Amends the law as it relates to retaliation bringing it more in line with the federal statutes. Oppose unless amended.
VOTE: Bos, Alvarado, Carpenter, Elkins, Ward - Aye.

5. ORAL ARGUMENT

Oral argument in the matter of Ethel Warren, Case No. 98-2130. Appeal from dismissal. Department of Corrections.

Persons Participating:

Fred Wasilewski, Senior Hearing Representative, California Correctional Peace Officer Association, representing appellant
Greg L. Nicholas, Staff Counsel, representing Department of Corrections

ACTION: Submitted

6. ORAL ARGUMENT

Oral argument in the matter of Young Park, Case No. 98-3585 and 99-0029. Appeals from 5 percent reduction in salary for 6 months and dismissal. Department of Mental Health.

Persons Participating:

Jay Salter, Consultant, California Association of Psychiatric Technicians, representing appellant
Danny J. Dunbar, Labor Relations Analyst, representing Department of Mental Health

ACTION: Submitted

7. ORAL ARGUMENT

Oral argument in the matter of Samuel Salgado, Case No. 98-1290. Appeal from dismissal. Department of Corrections.

Persons Participating:

Ben A. Romo, Jr., Attorney at Law, representing appellant
Vickie L. Brewer, Senior Staff Counsel, representing
Department of Corrections

ACTION: Submitted

8. ORAL ARGUMENT

Oral argument in the matter of Angela Blakes, Case No. 98-3598. Appeal from official reprimand. Department of the Youth Authority.

Persons Participating:

Chris Uyemura, Senior Hearing Representative, California
Correctional Peace Officers Association, representing
appellant
Nanette Rufo, Staff Counsel, representing Department of the
Youth Authority

ACTION: Submitted

BOARD ACTIONS

9. STATE PERSONNEL BOARD SUMMARY MINUTES OF MAY 18, 1999

ACTION: Adopted on June 8, 1999.

VOTE: Bos, Alvarado, Carpenter, Elkins, Ward - Aye.

10. ACTION ON SUBMITTED ITEMS

ACTION: (See pages 16-17)

11. ADMINISTRATIVE LAW JUDGE CASES

On June 8, 1999, the Board adopted the following decisions
presented by Elise Rose, Chief Counsel, California State
Personnel Board.

VOTE: Bos, Alvarado, Carpenter, Elkins, Ward - Aye.

REJECTED AND REMANDED DECISION

FRANKLIN D. TUCKER, CASE NO. 98-1600
Appeal from 60 calendar days suspension
Department of Corrections
ACTION: Suspension modified to official reprimand

PROPOSED DECISIONS

RAUL B. SERATO, CASE NO. 99-0085
Appeal from 2-step reduction in salary for 5 months
Employment Development Department
ACTION: 2-step reduction in salary for 5 months sustained

CATHERINE L. GONZALEZ, CASE NO. 99-0303
Appeal from 10 working days suspension
Department of Corrections
ACTION: Suspension sustained

ROBERT S. CRAIG, CASE NO. 99-0812
Appeal from 5 working days suspension
Department of Corrections
ACTION: Suspension revoked

MALINDA K. CLICK, CASE NO. 98-3747
Appeal from dismissal
Department of Corrections
ACTION: Dismissal modified to 6 months suspension

CHARLES YOUNGLOVE, CASE NO. 97-3901
Appeal from demotion
Department of Insurance
ACTION: Demotion sustained

ROBERT T. BRECKENRIDGE, CASE NO. 98-4260
Appeal from dismissal
Department of Corrections
ACTION: Board adopted findings of fact, but modified
penalty of dismissal to 90 calendar days suspension

DIANNA LOUISE KENNEDY, CASE NO. 98-3188
Appeal from dismissal
Department of Motor Vehicles
ACTION: Dismissal sustained

ELLIOT GILPEER, M.D., CASE NO. 98-3471
Appeal from 10 percent reduction in salary or 12 months

Department of Social Services

ACTION: Reduction in salary modified to 10 percent for 5 months

ARDRICK O. ELMORE, CASE NO. 99-0166

Appeal from 5 days suspension

Department of Corrections

ACTION: Suspension sustained

JAMES GATHRIGHT, CASE NO. 99-0202

Appeal from 2-step reduction in salary for 9 months and 2 days suspension

Department of General Services

ACTION: Reduction in salary and suspension sustained

CYNTHIA AUDRICK-HOLMES, CASE NO. 98-4755

Appeal from 15 working days suspension

Franchise Tax Board

ACTION: Suspension sustained

JOHN E. COX, CASE NO. 99-0110

Appeal from termination with fault of limited-term appointment

California Conservation Corps

ACTION: Appeal from termination with fault denied and appellant's name not cleared

ISABEL ESTRADA, CASE NO. 98-2917

Appeal from dismissal

Department of Corrections

ACTION: Dismissal sustained

MICHAEL E. RUPLEY, CASE NO. 99-0078

Appeal from 10 working days suspension

Department of California Highway Patrol

ACTION: Suspension sustained

JOHN F. PAUL, CASE NO. 98-3481

Appeal from 90 calendar days suspension

California Department of Education

ACTION: Suspension modified to 60 Days suspension

CHERRIE R. A. WALKER, CASE NO. 98-4073

Appeal from 90 days suspension and permanent demotion

Department of Corrections

ACTION: Dismissal modified to 90 calendar days suspension

PRISCILLA R. BROWN, CASE NO. 98-5015

Appeal from 3 working days suspension

State Compensation Insurance Fund

ACTION: Suspension sustained

CATHERINE SCHICKLER, CASE NO. 98-4533

Appeal from dismissal

Department of Education

ACTION: Board adopted findings of fact, but modified
penalty of dismissal to official reprimand

GARY CORNWELL, CASE NO. 98-5204

Appeal from 10 working days suspension

Department of California Highway Patrol

ACTION: Board adopted findings of fact, but modified
penalty of 10 working days suspension to 5 working days
suspension

TERESA K. JARVIS, CASE NO. 99-0593

Appeal from official reprimand

Department of Motor Vehicles

ACTION: Official Reprimand sustained

JANET G. HOUCHENS, CASE NO. 99-0891

Appeal from 5 percent reduction in salary for 1 month

Department of Forestry and Fire Protection

ACTION: Reduction in salary sustained

HOWARD W. BOWDEN, CASE NO. 98-4896

Appeal from official reprimand

Department of Corrections

ACTION: Official reprimand sustained

LINDA SOUCEK, CASE NO. 99-0584

Appeal from official reprimand

Department of Corrections

ACTION: Official reprimand sustained

WILLIAM A. JONES, III, CASE NO. 98-4069

Appeal from official reprimand

Department of the Youth Authority

ACTION: Official reprimand sustained

ALMETA POWELL, CASE NO. 99-1069

Appeal from 1 step reduction in salary for 3 months

Department of Transportation

ACTION: Reduction in salary sustained

STEPHEN KRIEGER, CASE NO. 98-4889

Appeal from dismissal

Employment Development Department

ACTION: Dismissal sustained

BRIAN J. FINLAYSON, CASE NO. 99-1073

Appeal from 5 working days suspension

Department of Fish and Game

ACTION: Official reprimand modified to suspension

ARBITRATION

PHIL OCHOA, CASE NO 99-0736

Appeal from 3 working days suspension

Department of California Highway Patrol

ACTION: Suspension modified to 1-day

12. RESOLUTION RE NOTICE OF GOVERNMENT CODE SECTION 18671.1
EXTENSION.

ACTION: (See pages 18-20)

13. MISCELLANEOUS APPEALS DIVISION CASES
(Discrimination Complaints, Withholds, Voided Appointments,
Rule 211 Appeals, Petitions for Rehearing)
On June 8, 1999 the Board adopted the following decisions
presented by Linda Brooks, Assistant Executive Officer,
California State Personnel Board.
VOTE: Bos, Alvarado, Carpenter, Elkins, Ward - Aye.

PETITION FOR REHEARING

- A. ARMANDO BANDA, Case No. 99-1015
Classification: Correctional Officer
ACTION: DENIED

WITHHOLD DENIAL CASES

- B. JOHNNIE BRISTER, Case No. 98-3888
Classification: Correctional Officer
ACTION: DENIED
- C. KIMBERLY MONTANA, Case No 98-3894
Classification: Correctional Officer
ACTION: DENIED
- D. ANTHONY J. ANTOINE, Case No. 99-0600

Classification: Correctional Officer
ACTION: DENIED

- E. PAMELA K. BROWN, Case No. 98-4215
Classification: Motor Vehicle Field Representative
ACTION: DENIED
- F. RYAN CHRISTOPHER BURCHAM, Case No. 99-0608
Classification: Correctional Officer
ACTION: DENIED
- G. WADE V. BYRD, Case No. 99-0397
Classification: Youth Correctional Officer
ACTION: DENIED
- H. TRENTON L. CROSS, Case No. 99-0820
Classification: Cadet, California Highway Patrol
ACTION: DENIED
- I. LYNETTE M. DIXON, Case No. 98-5210
Classification: Motor Vehicle Field Representative
ACTION: DENIED
- J. MINNIE O. DIXON, Case No. 99-0798
Classification: Correctional Officer
ACTION: DENIED
- K. AUGUSTUS FIELDS, Case No. 99-0526
Classification: Correctional Officer
ACTION: DENIED
- L. LORI A. FLORES, Case No. 99-0598
Classification: Correctional Officer
ACTION: DENIED
- M. ANTHONY HINDE, Case No. 99-0824
Classification: Correctional Officer
ACTION: DENIED
- N. GARY E. NOGUCHI, Case No. 99-0274
Classification: Correctional Officer
ACTION: DENIED.
- O. NANETTE SCHROEDER, Case No. 99-0130
Classification: Correctional Officer
ACTION: DENIED
- P. GABRIEL A. ZAMORA, Case No. 99-0391
Classification: Correctional Officer

ACTION: DENIED

- Q. TIMOTHY RATCLIFF, Case No. 99-0142
Classification: Cadet, California Highway Patrol
ACTION: DISMISSED - Department withdrew action
- R. WILLIAM MARSHALL, Case No. 98-4637
Classification: Correctional Officer
ACTION: DISMISSED - No timely response to SPB request
for information.

14. MEDICAL APPEALS

On June 8, 1999 the Board adopted the following decisions
presented by Linda Brooks, Assistant Executive Officer,
California State Personnel Board.

VOTE: Bos, Alvarado, Carpenter, Elkins, Ward - Aye.

- A. SALLY E. CORBIN-WELLS, Case No. #98-4514
Classification: Medical Technical Assistant
ACTION: GRANTED
- B. FRANKLIN BECERRA, Case No. 98-2962
Classification: Cadet, California Highway Patrol
ACTION: DENIED
- C. SHERRI GONZALES, Case No. #98-0158
Classification: Correctional Officer
ACTION: DENIED
- D. ROBERT JOHNSON, Case No. 98-0544
Classification: Correctional Officer
ACTION: DENIED
- E. DAVID MARR, Case No. 98-0254
Classification: Correctional Officer
ACTION: DENIED
- F. ESPERANZA MONTOYA, Case No. 98-1922
Classification: Printing Trades Specialist II
ACTION: DENIED
- G. DARLENE STRACHAN, Case No. 98-4577
Classification: Employment Program Representative
ACTION: DISMISSED
- H. SUSAN KAHNS, Case No. 98-1581
Classification: Motor Vehicle Field Representative
ACTION: DENIED

- I. STANLEY CRITTENDON, Case No. 99-1175
Psychological disqualification
Classification: Correctional Officer
ACTION: GRANTED
 - J. SERGIO SANCHEZ, Case No. 99-1167
Psychological disqualification
Classification: Correctional Officer
ACTION: GRANTED
 - K JONATHAN RUIZ, Case No. 99-0724
Classification: Youth Correctional Counselor
ACTION: DISMISSED - Appellant did not confirm
appearance for scheduled hearing.
15. EXAMINATION APPEALS
- On June 8, 1999 the Board adopted the following decisions
presented by Linda Brooks, Assistant Executive Officer,
California State Personnel Board.
- VOTE: Bos, Alvarado, Carpenter, Elkins, Ward - Aye.
- A. YVETTE BROWN, Case No. 98-3986
Final Filing Date: September 11, 1998
Examination: Written
Class: Senior Workers' Comp. Claims
Adjuster
Testing Agency: State Compensation Insurance
Fund
Appeal Received: September 29, 1998
ACTION: DENIED
 - B. SYLVIA VILLANUEVA, Case No. 98-3424
Final Filing Date: January 29, 1998
Examination: Written
Class: Licensing Registration
Examiner
Testing Agency: Department of Motor Vehicles
Appeal Received: August 21, 1998
ACTION: GRANTED

DISMISSAL CASE

- * STEPHEN CLEMONS, Case No. 98-4300
Classification: Data Processor Manager III
ACTION: DISMISSED - Appellant did not confirm
appearance for scheduled hearing.

16. REQUEST TO FILE CHARGES CASES

On June 8, 1999 the Board adopted the following decisions presented by Linda Brooks, Assistant Executive Officer, California State Personnel Board.

VOTE: Bos, Alvarado, Carpenter, Elkins, Ward - Aye.

A. PETITIONER: Reginald Williams, an employee of the Department of Corrections.

ACTION: DENIED

17. NON-HEARING CALENDAR

On June 8, 1999, the Board adopted items A-C. These items were presented by Walter Vaughn, Executive Officer, California State Personnel Board.

VOTE: Bos, Alvarado, Carpenter, Elkins, Ward - Aye.

A. COORDINATOR (COMMUNICATIONS), OFFICE OF EMERGENCY SERVICES

The Office of Emergency Services (OES) is proposing to revise the minimum qualifications for the Coordinator (Communications), OES class specifically to delete the requirement for possession of a general radiotelephone or radiotelegraph operator's license

B. HOSPITAL PEACE OFFICER SERIES

The Department of Mental Health proposes specification revisions to the class series of Hospital Peace Officer to update language and delete reference to Veterans Home and Medical Center; to re-title the class series; and extend the probationary period for the Hospital Police Officer from six months to 12 months.

C. EQUITY RESOLUTION, COORDINATOR (COMMUNICATIONS) CLASSIFICATION, OFFICE OF EMERGENCY SERVICES

The Department of the Office of Emergency Services proposes equity resolution to appoint Glenn Fleming and Benjamin Green to the Coordinator (communications), Office of Emergency Services classification.

18. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

A. CEA POSITION ACTIONS CURRENTLY UNDER CONSIDERATION

- (1) CHIEF, INFORMATION TECHNOLOGY BRANCH
- CHIEF, FINANCIAL & MANAGEMENT SERVICES BRANCH

CHIEF, HUMAN RESOURCES & SUPPORT SERVICES BRANCH
The California Energy Commission proposes to allocate the above positions to the CEA category. The Department indicates that these positions will report to the Executive Directorate and will be responsible for developing, implementing and evaluating policies within their functional area of responsibility. Currently, the Administrative Services Division is comprised of the above three branches under the direction of a CEA 2. The Commission proposes to reorganize the division, remove the CEA 2 designation and create three distinct and separate branches, each with a CEA. (Board meeting of March 23, 1999.)

(2) CHIEF, BUSINESS SYSTEMS
CHIEF, TECHNOLOGY

The State Controller's Office proposes to allocate the above positions to the CEA category. The Department indicates that these positions will report to the Chief, Information Systems Division and will be responsible for setting policy within their functional area of responsibility. (Board meeting of March 23, 1999.)

(3) DIRECTOR, DIVISION OF LEGAL SUPPORT AND TECHNOLOGY
The Department of Justice proposes to allocate the above position to the CEA category. The Department indicates that this position will report to the Chief Deputy, Administration and Policy and will serve as key policy maker in relation to computer technology issues for the Department. (Board meeting of April 6, 1999.)

(4) PROGRAM MANAGER, HUMAN RESOURCES MANAGEMENT AND
PAYROLL SYSTEMS

The Office of the State Controller proposes to allocate the above position to the CEA category. The Department indicates that this position will report to the Chief, Information Systems Division and will be responsible for policy decisions relative to the development, implementation and initial maintenance of the Human Resources Management and Payroll Systems. (Board meeting of April 6, 1999.)

(5) DIRECTOR, STAFF PLANNING AND DEVELOPMENT

The Public Utilities Commission proposes to allocate the above position to the CEA category.

The Department indicates that this position will report to the Executive Director and will be responsible for developing and implementing long-range strategic plans and policies in the areas of staff relations and development and Business Plan human resources objectives. (Board meeting of April 20, 1999.)

(6) CHIEF INFORMATION OFFICER

The Student Aid Commission proposes to allocate the above position to the CEA category. The Department indicates that this position will report to the Directorate and will be responsible for formulating the Department's information technology policy. (Board meeting of April 20, 1999.)

(7) CHIEF, FINANCIAL AND ACCOUNTING SERVICES

The Department of Veterans Affairs proposes to allocate the above position to the CEA category. The Department indicates that this position will report to the Deputy Secretary, Administration and will be responsible for the day-to-day administrative decisions and leadership in the areas of headquarters accounting, reimbursements, accounting systems, veterans home accounting and budgets including contracting. (Board meeting of April 20, 1999.)

(8) R STREET PROJECT MANAGER

The California Public Employees' Retirement System proposes to allocate the above position to the CEA category. The Department indicates that this position will report to the Chief Executive Officer and will be responsible for the recommendation and formulation of departmental policy, planning and program implementation for the R Street Project. (Board meeting of May 4, 1999.)

(9) CHIEF INFORMATION OFFICER

The Department of Motor Vehicles proposes to allocate the above position to the CEA category. The Department indicates that this position will report to the Directorate and will be responsible for developing the Department's long-term strategic vision and direction regarding information technology matters and will act as the principal advisor to the Directorate, the Business and Transportation Agency and the Administration on matters related to information technology programs.

(Board meeting of May 4, 1999.)

- (10) DEPUTY SUPERINTENDENT FOR CURRICULUM & INSTRUCTIONAL LEADERSHIP
DEPUTY SUPERINTENDENT FOR FINANCE, TECHNOLOGY & INFORMATION SERVICES
The Department of Education proposes to allocate the above positions to the CEA category. The Department indicates that these positions will report to the Chief Deputy Superintendent of Public Instruction for Educational Policy, Curriculum and Department Management/Chief Deputy Superintendent of Public Instruction for Educational Policy, Finance and Accountability and the State Superintendent of Public Instruction respectively and will be responsible for the administration of instructional programs and special support services to local educational agencies. (Board meeting of June 8, 1999)
- (11) DEPUTY DIRECTOR, CUSTOMER RELATIONS & MARKETING BRANCH
The Health and Welfare Data Center (HWDC) proposes to allocate the above position to the CEA category. The Department indicates that this position will report to the Director of HWDC and will be responsible for establishing policies and procedures for the branch that involve HWDC customer services and the marketing of these services. (Board meeting of June 8, 1999)

B. CEA POSITION ACTIONS APPROVED BY DPA AND APPROVED OR DENIED BY SPB MANAGEMENT

- (1) CHIEF INFORMATION OFFICER
The Department of Finance proposed allocation of the above position to the CEA category has been approved.

ACTION: Noted

A D J O U R N M E N T

SUBMITTED

1. JALAL EMAMI, CASE NO. 98-2116. Appeal from constructive medical termination. Department of Water Resources, (Oral argument held March 9, 1999.)

ACTION: On June 8, 1999, adopted Board decision dismissing appeal.*

VOTE: Bos, Alvarado, Carpenter, Elkins, Ward - Aye.

2. RANDY HENDERSON, CASE NO. 97-1799. Appeal from dismissal. Department of the Youth Authority. (Oral argument held April 6, 1999.)

NO ACTION

3. CLADIS SILVIE, CASE NO. 98-2458. Appeal from dismissal. Department of Corrections. (Withdrawn as oral argument, written argument submitted to Board April 6, 1999.)

ACTION: On June 8, 1999, adopted Board decision remanding matter to Administrative Law Judge for hearing on merits and proposed decision.

VOTE: Bos, Alvarado, Carpenter, Elkins, Ward - Aye.

4. YVONNE M. VILLANUAVA, CASE NO. 97-3061. Appeal from dismissal. Department of Corrections. (Oral argument held May 4, 1999.)

NO ACTION

*Adopted as Precedential Decision #99-07. [NOTE: Precedential Decisions of the State Personnel Board are published and available by subscription from Continuing Education of the Bar (CEB) in Berkeley. To subscribe, call CEB, toll free, at (800) 924-3924.]

5. DENNIS K. WILLIAMS, CASE NO. 98-2262. Appeal from rejection. Department of Rehabilitation. (Oral argument held May 4, 1999.)

NO ACTION

6. TODD SMITH, CASE NO. 97-22271. Appeal from dismissal. Department of Consumer Affairs. (Oral argument held May 4, 1999.)

ACTION: On June 8, 1999, adopted Board decision modifying dismissal to 90 calendar days suspension with back pay and benefits.

VOTE: Bos, Alvarado, Carpenter, Elkins, Ward - Aye.

7. EDWARD KROHN, CASE NO. 98-4377. Appeal from 30 working days suspension. Department of Transportation. (Oral argument held May 5, 1999.)

ACTION: On June 8, 1999, adopted Board decision modifying 30 working days suspension to 15 working days suspension with back pay and benefits.

VOTE: Bos, Alvarado, Carpenter, Elkins, Ward - Aye.

8. MARY CATHERING GRAY, CASE NO. 98-0578. Appeal from dismissal. Department of Corrections. (Oral argument held May 5, 1999.)

ACTION: On June 8, 1999, adopted Board decision remanding matter to Administrative Law Judge to issue a proposed decision on the merits of appellant's appeal.*

VOTE: Bos, Alvarado, Carpenter, Elkins, Ward - Aye.

*Adopted as Precedential Decision #99-08. [NOTE: Precedential Decisions of the State Personnel Board are published and available by subscription from Continuing Education of the Bar (CEB) in Berkeley. To subscribe, call CEB, toll free, at (800) 924-3924.]

NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional forty-five days, the Board hereby publishes its substantial reasons for the need for the forty-five day extension for some of the cases now pending before it for decision.

An additional forty-five days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than 6 months as of the date of the Board meeting.

GOVERNMENT CODE § 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting on June 8, 1999.

WALTER VAUGHN
Executive Officer
California State Personnel Board

VOTE: Bos, Alvarado, Carpenter, Elkins, Ward - Aye